

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Michael Traina
DOCKET NO.: 04-26384.001-R-1
PARCEL NO.: 07-23-209-011-0000

The parties of record before the Property Tax Appeal Board (PTAB) are Michael Traina, the appellant, by attorney Joseph G. Kusper of Storino, Ramello & Durkin of Rosemont and the Cook County Board of Review (board).

The subject property consists of a five-year-old, two-story, class 2-78 dwelling of masonry construction containing 3,479 square feet of living area and located in Schaumburg Township, Cook County. The residence includes three and one half bathrooms, a full basement, air conditioning, a fireplace and a two-car garage.

The appellant, through counsel, submitted evidence before the PTAB claiming unequal treatment in the assessment process as the basis of the appeal. In support of this argument, the appellant offered three suggested comparable properties located within a quarter mile of the subject. These properties consist of two-story, class 2-08 dwellings of frame, masonry or frame and masonry construction, and ranging in age from nine to 13 years. The comparables include two or three bathrooms, with half baths and full basements; all have air conditioning and fireplaces. The comparables have three-car garages. They contain between 4,007 and 4,584 square feet of living area and have improvement assessments ranging from \$46,987 to \$53,541 or from \$11.64 to \$11.73 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final improvement assessment of \$50,515, or \$14.52 per square foot of living area, was disclosed. In support of the subject's assessment, the board of review offered three suggested comparable properties located within a quarter mile of the subject. The comparables consist of two-story, class 2-78 dwellings of masonry construction. The comparables range in age from five to nine years. They have partial or full basements, one finished and two or three

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change in the assessment of the property as established by the Cook County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$22,699
IMPR. \$50,515
TOTAL: \$73,214

Subject only to the State multiplier as applicable.

PTAB/TMcG.

bathrooms with half baths. All have air conditioning, fireplaces and three-car garages. The comparable properties contain between 3,340 and 3,743 square feet of living area with improvement assessments of between \$51,406 and \$55,552 or from \$14.84 to \$15.39 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject property's assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The appellant's argument was unequal treatment in the assessment process. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellant has failed to overcome this burden.

The PTAB finds the board's three comparables are the comparables most similar to the subject but with some small differences in living area to be considered. These properties have improvement assessments ranging from \$14.84 to \$15.39 per square foot of living area. The subject's per square foot improvement assessment of \$14.52 is below this range of properties. The PTAB gives less weight to the appellant's comparables because they are less similar to the subject in building construction, living area and building classification. After considering the differences in both parties' suggested comparables when compared to the subject property, the PTAB finds the evidence submitted is insufficient to effect a change in the subject's assessment.

As a result of this analysis, the PTAB finds the appellant did not adequately demonstrate that the subject property was inequitably assessed by clear and convincing evidence and a reduction is not warranted.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Member

Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: August 24, 2009



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing

complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.